

# Grant County Planning Commission

## Feb 25<sup>th</sup>, 2002

The February 2002 regular meeting of the Planning Commission was called to order by John Lawrence at 7:00 p.m.

Those in attendance: John Lawrence, Stephen Fritz, Vernon Webster, Nick Kinman, William Covington, Stephen Mann, Jim Weigel, Bill Marksberry, Marvin Faulkner, Nancy Duley, Brooke Rider, Tom Nienaber and Ray Erpenbeck

There was a quorum present.

### **Item 1. January Meeting Minutes**

Next meeting

### **Item 2. January Financial Statement**

Vernon Webster made a motion to approve the financial statement, Brooke Rider seconded the motion. A hand vote was taken, all in attendance voting in favor of the motion. Motion passes.

### **Item 3. Administrator Report**

None

### **Item 4. Zoning Sub-Committee Report**

The Committee reported that the next meeting would be May 2<sup>nd</sup> and the public was invited to attend.

### **Item 5. Telecommunications Presentation.**

Jim Wagner of Jim Wagner and associates stated that he was asked to give a presentation on what his company does. He presented the commission with a list of qualifications and experience. He stated that he would work with the staff to review Cell Tower applications to ensure that it would fulfill all of the objectives and would review the application to ensure that the location was the best location and an alternative site was not available. He stated that he would provide a written report prepared by him and would personally present the report to the commission. He stated that he would be fair and honest with the commission and the applicant and that sometimes he agrees with the application and sometimes he doesn't. He also stated that he charges by the hour and that information had been given to Jonathan.

### **Item 6. Telecommunications Committee**

Stephen Fritz, chairman of telecommunication committee, stated that the commission had heard from 2 candidates for reviewing telecommunication applications and that the Committee had no recommendation as to which to hire.

Jonathan stated that he recommended hiring Jim Wagner who would do the frequency review which he was not knowledgeable enough to do, and that the staff would review other factors of the application. He also stated that in reviewing the fees the cell tower application fee would need to be increased to 6,000 for Wagner and 7,000 for HC Nutting Co.

Nancy Duley questioned the contract that the Fiscal Court had already signed with HC Nutting.

Jonathan stated that he had requested a copy of that but had not yet received anything.

Nick Kinman made a motion to table a decision until a copy of the Fiscal Court agreement is reviewed by the attorney, Brooke Rider seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

### **ITEM 7: ZONE CHANGE -BURNETTE - WARSAW RD. RD. - A1 TO RR**

**APPLICANT:** Deanna Burnette or Jeff Greene

**GENERAL LOCATION:** An approximate 4.085 acre area located on the south side of Warsaw Rd., approximately 6.1 miles west of KY St. Route 22

**REQUEST:** to change the zoning of the property from A1 - Agricultural One to RR - Residential One

John Lawrence declared the public hearing open and asked if all fees were paid and notices given. Staff replied that fees were paid and notices given.

Steve Howe, representing the applicant, stated that the Burnettes owned 50 acres and wanted to give their daughter 4 acres for a home. He stated that they felt the request would not offend the area and was consistent with the Comprehensive Plan.

John Lawrence asked if anyone wished to speak for or against the request. No one spoke for or against the request.

John Lawrence declared the public hearing closed.

Jonathan Britt stated that his recommendation was for approval because it was consistent with the adopted Comprehensive Plan with the condition that the 4 acres not be subdivided.

Mr. Howe stated that the applicant was agreeable with that condition.

Stephen Mann made a motion to approve the request because it is consistent with the adopted Comprehensive Plan, with the condition that the lot not be divided again, Nancy Duley seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

#### **ITEM 8: ZONE CHANGE -TRITSCHLER - SIMPSON RIDGE RD. RD. - A1 TO RR**

**APPLICANT:** Chris Tritschler

**GENERAL LOCATION:** An approximate 10.034 acre area located on the south side of Simpson Ridge Rd., approximately 0.80 miles northwest of Heekin Rd.

**REQUEST:** to change the zoning of the property from A1 - Agricultural One to RR - Rural Residential

John Lawrence declared the public hearing open and asked if all fees were paid and notices given. Staff replied that fees were paid and notices given.

Greg Mulberry, representing the applicant, stated that the applicant owns 20.68 acres and because he is no longer farming the land he wished to rezone 10 acres from A1 to RR. He said they plan to sell the 10 acres in 2 tracts and 1.5 acres with an underground home and an 8.85 acre tract. He said that the remaining 10 acres would remain agricultural.

John Lawrence asked if anyone wished to speak for or against the request. No one spoke for or against the request.

John Lawrence declared the public hearing closed.

Jonathan Britt stated that his recommendation was for approval because it was consistent with the adopted Comprehensive Plan.

Jim Weigel made a motion to approve the request because it is consistent with the adopted Comprehensive Plan, William Covington seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

#### **ITEM 9: ZONE CHANGE -BREWER - US 25-DRY RIDGE - A1 TO R1**

**APPLICANT:** Howard, Jr. & Betty Brewer

**GENERAL LOCATION:** An approximate 40.5002 acre area located on the west side of U.S. 25 and on the north side of Warsaw Ave.

**REQUEST:** to change the zoning of the property from A1 - Agricultural One to R1 - Residential One Dry Ridge

John Lawrence declared the public hearing open and asked if all fees were paid and notices given. Staff replied that fees were paid and notices given.

Bill Threlkeld stated that he was representing the Brewers and stated that they had some exhibits to show to the Commission. He presented current zoning maps and current future land use maps as part of the record.

He stated that the request was to rezone a portion of their farm from A1 to R1. He said that to the West of the property was high density residential and that part of the Brewer property was shown in the future land use map as being low density residential. He asked that the Commission grant the request for the area that is not recommended for anything in the future land use maps. Mr. Threlkeld stated that he believed that it was a mistake in the Comprehensive Plan maps that they did not show the area as residential use. He stated that the 2001 maps were exactly the same as the 1996 maps. He suggested to the Commission that the property should be rezoned to R1. He then stated that he saw no reason to discuss the request any further.

John Lawrence asked if anyone wished to speak for or against the request.

Mrs. Castellini asked if there was a plot plan of the property showing what plans they had.

Mr. Neinaber stated that the zoning ordinance required that a development plan be part of the application with a zone change and that they could request a waiver from the Planning Commission.

Jonathan stated that it was not required when requesting a change to R1.

Mrs. Castellini stated that she was concerned with what the plans were and what type houses they were proposing.

Mr. Threlkeld stated that the R1 classification allowed only single family stick built homes on 15,000 square foot lots.

Stephen Mann stated that the plan would be reviewed when the property was subdivided.

Mr. Castellini said that she was concerned with what could be built on the property and concerned with what utilities were available to the property.

Mr. Threlkeld said that there was a wastewater lift station on the property which pumps to the Dry Ridge sewage treatment plant and that water was available to the property.

Stephen Mann asked if the property was annexed into the city of Dry Ridge.

Mr. Threlkeld stated that the property was annexed in February.

Jonathan asked if it had been published yet.

Mr. Threlkeld stated that he didn't think it was in the paper yet.

John Lawrence asked if anyone else wished to speak concerning the request. No one spoke for or against the request.

John Lawrence declared the public hearing closed.

Jonathan stated that his recommendation was for denial of the zone change with the following facts supporting the recommendation: 1: In analysis of this property, our office has found that the zoning map amendment request is **NOT** consistent with the adopted Comprehensive Plan Update of 2001. 2: There has been no evidence presented to this office that would suggest that the property in question has been used as anything except agriculturally related land use activities and thus the existing zoning classification is appropriate. 3: There has been no evidence presented to this office that there has been "major changes in economic, physical, or social nature... that was not anticipated by the Comprehensive Plan. 4: If the applicant provides sufficient evidence during the public hearing process, our office would recommend that the applicant file request to update the Comprehensive Plan Update of 2001 so the following items, as prescribed by statute, may be addressed: a: The Commission may schedule and conduct the necessary public hearings; b: Send the necessary notices of such a hearing; c: Make any and all necessary findings of facts to warrant a change to the Comprehensive Plan.

Mr. Threlkeld gave to the Commission and prepared motion to approve the zone change.

Stephen Mann asked Jonathan what he thought of the R1 use of the property.

Jonathan stated that he believed the property would be under utilized as R1.

Nick Kinman made a motion to approve the zone change because if it was his farm he would want it to be residential.

Marvin Faulkner asked Jonathan what he thought the property would best be utilized as.

Jonathan stated that if the new road goes through the property the best zone would be a PUD with a mixture of commercial, medium and high density residential.

Stephen Mann asked if the property owners had plans to develop the property in the near future.

Mr. Threlkeld stated that they might develop sometime in the near future.

Stephen Mann stated that when the City annexed the property they put a condition that it not be developed as anything but R1.

Vernon Webster stated that the Comprehensive Plan was just a guideline and that the property could have been overlooked when the update was done.

Jonathan stated that when the application was made he recommended to the applicant that they also request that the Comprehensive Plan be changed but they chose not to do that.

Mr. Threlkeld said that he believed that the Comprehensive Plan updates are a job for the Planning Commission.

Mr. Neinaber stated that Mr. Threlkeld can request an update to the land use map to make it consistent with the zone change.

Mike Mulvey, attorney for the City of Dry Ridge, requested that the public hearing be reopened.

John Lawrence declared the public hearing open.

Mr. Mulvey stated that the City had annexed the property and they would like to control the property as low density development. He said that the City felt the best use is low density and that the utilities are there. He said that it was the position of the City that the 40 acres be given a low-density zoning.

Mr. Castellini questioned putting R1 between commercial property and apartments. She said that people in an R1 zone would prefer not so intense zoning around the R1. She said that it would not be compatible in that location.

Troy Evans stated that he appreciated zoning in the county but that future plans don't pay bills or look out for the interest of the property owner. He said that the property was laid out perfectly for residential use.

Mr. Brewer stated that they did not have a subdivision plan for the near future. He stated that he and his wife had 5 children and they were not in the best of health and they have nothing planned right now for a subdivision but if they needed the money for something they could go ahead. He said that he saw what Mr. Caddell had done with the Ecklar farm and he personally didn't want to see that on his farm. He said that if someone wanted to build a home on the property and made an offer and a factory made an offer for more money for the property he would consider the factory offer.

John Lawrence declared the public hearing closed.

Mr. Neinaber questioned if the annexation of the property had the proper reading of the ordinance and had been published.

Mr. Threlkeld stated that if was written into the ordinance that it went into effect as it was read and did not need to be published.

Mr. Mulvey stated that the ordinance had been sent to the paper but he didn't think had been published yet.

Stephen Mann asked if the City had tied their hands by including the restriction that the property only be developed as R1 in their annexation.

Jonathan stated that they could come back and request that be changed.

Nick Kinman restated his motion to approve the request because that's what he would do if it was his property because it was in a residential area.

Mr. Threlkeld stated that he presented to the Commission the wording for a motion to approve the request.

John Lawrence stated that the Commission should disregard the motion presented by Mr. Threlkeld.

Jonathan stated that the Commission must make its decision based on the findings presented in the public hearing.

Bill Marksberry seconded the motion. A vote was taken: Vernon Webster: yes, Stephen Fritz: yes, Stephen Mann: yes, Brooke Rider: yes, William Covington: yes, Jim Weigel: no, Marvin Faulkner: yes, Nick Kinman: yes, Bill Marksberry: yes, Nancy Duley: yes. Motion passes.

Exhibits presented and made part of the record are attached for your consideration.

#### **ITEM 10: ZONE CHANGE -SCROGGINS - ASSEMBLY CHURCH RD.-DRY RIDGE - A1 TO I1**

**APPLICANT:** Al Wayne and Shirley Scroggins

**GENERAL LOCATION:** An approximate 12.249 acre area located at 225 Assembly Church Road

**REQUEST:** to change the zoning of the property from A1 - Agricultural One to I1 - Industrial One

John Lawrence declared the public hearing open and asked if all fees were paid and notices given. Staff replied that fees were paid and notices given.

Bill Threlkeld presented zoning maps and land use maps of the property and stated that the property currently joined industrial sites in Dry Ridge. He said that the future land use map shows the Scroggins property to be zoned as I1 and he asked the Commission to do that.

John Lawrence asked if anyone wished to speak for or against the request.

Mrs. Castellini stated that she had a problem in rezoning the property without knowing what was going on the property. She stated that the reason for Planning and Zoning is to provide oversight for orderly development and that requesting a site plan is par of developing the property. She stated that the Commission should not rezone the property without

knowing how the land is to be developed. She stated that there were several permitted and conditional uses listed in the I1 zone and if the zone change is approved without a site plan it means that they only need to meet the minimum standards. Her concern was that the Commission would be setting a precedent to future applicants by not requiring a site plan. She stated that if they do not require one for this applicant the next applicant would expect the same treatment.

Mrs. Castellini stated she was concerned with the possible smoke, noise and fumes from what could go onto the property and the additional negative impact that it would have on the residential area and customers. She stated that the proposed new road had been on the drawings since 1998 and it was her understanding that they were going to build it in stages. She said that there would be time in between stages for updating the Comprehensive Plan and for property owners to request a zone change.

John Lawrence declared the public hearing closed.

Jonathan stated that the Commission would have to waive the required development plan.

Mr. Threlkeld stated that it was his understanding that the requirement had been waived by the Planning Office.

Jonathan stated that he had waived the requirement that it be submitted by the filing deadline but he could not waive it for the zone change that the Commission would have to do that.

Jonathan's recommendation was for approval of the zoned change is approval because it is consistent with the adopted Comprehensive Plan, with the condition that a site plan be submitted. The following facts supporting the recommendation: 1: In analysis of this property, our office has found that the zoning map amendment request is consistent with the Comprehensive Plan Update of 2001, provided that the applicant provides a site/development plan of the property to delineate areas of parking, open space, storage, etc. Our office is requesting that the Planning Commission **NOT** waive the submission of a site/development plan, as required by the ordinance. The reasons are as follows: a: The current land use of the property listed at 225 Assembly Church Road is **NOT** a permitted use in an I-1 zone and therefore may not be expanded. B: Access control and safety. C: Any future change in land use must be listed as permitted use on the property.

Stephen Mann asked that if the applicant develops the property if they had to submit a site plan.

John Lawrence stated that they would have to submit a site plan to develop.

Mrs. Castellini stated that it would be very serious if the right decision was not made and she was concerned with asking for a zone change to I1 for no reason.

William Covington stated that there was a home on the property and asked if they changed the property could it still be used as a residence.

Jonathan stated that they could continue to live in the house but could not expand the use as a dwelling.

Mr. Threlkeld stated that if the zone change was approved the stated would help with screening the area but if it was not approved they would not help.

Jonathan asked Mr. Threlkeld if they were asking for the zone change to get assistance from the state.

Mr. Threlkeld stated they were.

Vernon Webster stated that they had passed previous industrial areas without a plan and if they wanted to develop the property they would have to come before the Commission with a plat.

Jim Weigel asked what the applicant's position on submitting a site plat was.

Mr. Threlkeld stated that if they had to submit one they would. He said that they would submit a plan showing what he was currently doing.

Stephen Mann asked what the applicant plan for the property was.

Mr. Threlkeld stated that he plans to continue the operation that he has been doing for 20 years. He also said that he thought there was no question on this request because it was what the Comprehensive Plan said and he also thought that the requirement for a plan had been waived.

Nancy Duley asked if they would approve the request and ask for a plan would the applicant submit a plan.

Mr. Threlkeld stated that they would submit a plan.

Stephen Mann made a motion to approve the request because it is consistent with the Comprehensive Plan with the condition that the applicant provide a site plan, Vernon Webster seconded the motion. A vote was taken: Vernon

Webster: yes, Stephen Fritz: yes, Stephen Mann: yes, Brooke Rider: yes, William Covington: yes, Jim Weigel: yes, Marvin Faulkner: yes, Nick Kinman: yes, Bill Marksberry: yes, Nancy Duley: yes. Motion passes.

Exhibits presented and made part of the record are attached for your consideration.

**Item 11: zone change -Wright - Knoxville Rd.-Dry Ridge - A1 to R1**

**APPLICANT:** Henry and Shirley Wright

**GENERAL LOCATION:** An approximate 79.3501 acre area located on the South side of Knoxville Road, 0.10 mile east of US 25

**REQUEST:** to change the zoning of the property from A1 - Agricultural One to R1 - Residential One

John Lawrence declared the public hearing open and asked if all fees were paid and notices given. Staff replied that fees were paid and notices given.

Bill Threlkeld presented zoning maps and land use maps of the property and stated that the proposed new road would cross through the Wright property and that there was water and sewage waste system on the property. He stated that the property should be rezoned even though it does not show it on the proposed map.

John Lawrence asked if anyone wished to speak for or against the request. No one spoke for or against.

John Lawrence declared the public hearing closed.

Nancy Duley asked if the request was for 79 acres.

Mr. Threlkeld stated that it was and out of that 79 acres 20 acres was for the roadway.

Stephen Mann stated that he thought that the state had already purchased the property for the road.

Mr. Threlkeld stated that they haven't purchased all of the property yet. He said that the Wrights are in a lawsuit with the state who is trying to condemn the property for the road.

Stephen Mann asked if the Wright's were opposed to the road.

Mr. Threlkeld stated that they would like to be paid a higher price for the property.

John Lawrence asked if the zone change request was to make the land more valuable.

Mr. Threlkeld stated that that was part of it.

Marvin Faulkner asked if the property was annexed into the city.

Mr. Threlkeld stated that it had been annexed.

Jonathan's recommendation was for denial of the request with the following facts supporting the recommendation: 1: In analysis of this property, our office has found that the zoning map amendment request is **NOT** consistent with the adopted Comprehensive Plan Update of 2001. 2: There has been no evidence presented to this office that would suggest that the property in question has been used as anything except agriculturally related land use activities and thus the existing zoning classification is appropriate. 3: There has been no evidence presented to this office that there has been "major changes in economic, physical, or social nature... that was not anticipated by the Comprehensive Plan. 4: If the applicant provides sufficient evidence during the public hearing process, our office would recommend that the applicant file request to update the Comprehensive Plan Update of 2001 so the following items, as prescribed by statute, may be addressed: a: The Commission may schedule and conduct the necessary public hearings; b: Send the necessary notices of such a hearing; c: Make any and all necessary findings of facts to warrant a change to the Comprehensive Plan

Vernon Webster stated that the Commission had approved an apartment complex next to this property which would change the economic conditions of the area.

Stephen Mann asked if the property touched US 25.

Mr. Threlkeld stated that it did not.

Stephen Mann said that he was concerned that if it was changed to R1 and the new road did not go through the traffic would be forced out onto Knoxville Road without another access.

Mr. Threlkeld stated that the plan was to start construction on the road in the fall of 2002.

Jim Weigel stated that the state could change the plans to avoid the Wright property.

Nick Kinman asked if a stipulation could be put in that if the road doesn't go through that the property goes back to A1.

Mr. Neinaber stated that the Commission must grant a zone change on the property as it exists today and not what is possible in the future.

Nick Kinman made a motion to approve the request because the property has adequate infrastructure and it is consistent with the Comprehensive Plan, William Covington seconded the motion.

Jim Weigel stated that if the request is denied and the road goes through that the applicant could re-file the request.

The Commission questioned the exact location of the property.

Mr. Threlkeld showed a plat of the property.

Mr. Neinaber stated that all the exhibits needed to be officially made a part of the record and the application.

Mr. Threlkeld stated that he would but he would need copies of everything.

A vote was taken: Vernon Webster: yes, Stephen Fritz: yes, Stephen Mann: no, Brooke Rider: yes, William Covington: yes, Jim Weigel: no, Marvin Faulkner: no, Nick Kinman: yes, Bill Marksberry: yes, Nancy Duley: no. Motion passes.

Exhibits presented and made part of the record are attached for your consideration.

#### **Item 12. Grant County Deposit Bank - Revised Site Plan**

Ray Erpenbeck stated that he did not have time to review the report and will have to report at the next meeting.

Stephen Mann made a motion to table the plan, Brooke Rider seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

#### **Item 13. McCahride Subdivision - Preliminary Plat**

John Lawrence read Ray Erpenbeck recommendation which recommended approval with the condition that they provide a right of way reservation for a future connection to the proposed Birchwood Dr. as approved on the revised preliminary plat for Brentwood Subdivision as approved 8/28/00.

Ray said that the right-of-way had been added to the plat.

Pat Cahill stated that they had the grading plan already approved and were ready to continue with the utilities and street and that they had some interest in some lots and that they would come back with a plat as lots sold. He also stated that they did not want to dedicate the right-of-way for the connection to Brentwood. He said that he had spoken to the City of Dry Ridge and they did not wish to see the connection of the commercial and residential areas.

John Lawrence stated that if the right-of-way is not put in then the connection would definitely never happen.

Pat Cahill stated that they were not going to put the connection in.

Jonathan asked if they were willing to put the right-of-way in.

Pat said that they would if they had to but it was giving 3 acres of land away that they could not sell and he asked that the Commission waive the requirement that the right-of-way be set aside.

Mayor Cull stated that if the road is to happen that the property could be condemned and the city did not want commercial trucks going into the residential area.

Mr. Nienaber stated that it was appropriate for the right-of-way to be dedicated for future use.

Pat Cahill stated that he thought it was wrong to require them to dedicate the right-of-way and that the 3 acres was useless and could not be used by them because it was set as a right-of-way.

Nienaber stated that the acreage could be used in density and run off calculations.

Vernon Webster made a motion to approve the plat and not waive the requirement of the dedication of the right-of-way, Stephen Mann seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

#### **Item 14. Executive session.**

Stephen Mann made a motion to go into executive session to discuss personnel, Nick Kinman seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

Brooke Rider made a motion to come out of executive session, Stephen Mann seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

John Lawrence stated that no action was taken.

Vernon Webster made a motion to hire an intern for summer employee at minimum wage for GIS, Marvin Faulkner seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

**Item 15. Other business**

None

**Item 16. adjourn**

Nick Kinman made a motion to adjourn, Brooke Rider seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

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**JOHN LAWRENCE, CHAIRMAN - DATE**

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**NICK KINMAN, SECRETARY - DATE**